
Instructions

Divorce - With Minor Children

Petition

Caption

In the caption of the **Petition**, print your full name (first name, middle initial and last name) above the word **PETITIONER**. Your spouse is the **RESPONDENT**. Print your spouse's full name above the word **RESPONDENT**. Mark only one box with an **X** to report if the State is a party to the case or not.

A clerk in the Family Court Office will fill in the case number when you file the action. At that time, the clerk will also stamp the name of the Judge that has been assigned to your case.

In the section just below the case number, you must also indicate with an **X** if you are requesting a **Divorce** or **Legal Separation**.

Document

Section I

Paragraph 1: Print your full name, social security number, date of birth, full address, and occupation (include if the party is a student, disabled, or unemployed).

Paragraph 2: Print your spouse's full name, social security number, date of birth, full address, and occupation. Your spouse's social security number can be found on the first page of an income tax return. If you have made an effort to locate the appropriate information (such as a social security number), but are unable to find it, write "unknown" in the blank.

Paragraph 3: Print the date of your marriage to the RESPONDENT and the city and state where your marriage took place.

Paragraph 4: Print the names, dates of birth, and social security numbers of all children born to, or adopted by you and your spouse during your marriage or your relationship, including any child or children who were born during the marriage that may not be the husband's children. Mark an **X** in the box next to the name of the child if the husband is not believed to be the biological father of that child.

If you and your spouse do not have any children, you must STOP completing this set of forms and complete the forms labeled **Divorce-No Minor Children**.

Paragraph 5: Mark the box with an **X** to indicate, to the best of your knowledge, whether the wife **is** or **is not** pregnant at this time. If the wife is pregnant, mark with an **X** whether the husband **is** or **is not** the biological father.

The court presumes that all children born or conceived during the marriage are children of you and your spouse. If this is not the fact, and paternity of an unborn child will be contested, you or your spouse must bring this fact to the court's attention. It is very important that the court be made aware of a pregnancy so that paternity of the child does not become an issue and result in delays or future legal problems.

If paternity of children born or conceived during the marriage is contested, a Guardian ad Litem will have to be appointed.

Paragraphs 6 and 7: Mark an **X** in the correct box to confirm that you, your spouse, or both have been residents of Waukesha County for more than 30 days, and residents of the State of Wisconsin for more than six months before the date the case is filed.

Paragraph 8: To proceed with divorce in Wisconsin, there must be an allegation that the marriage is irretrievably broken. For a legal separation, an allegation must be made that the marriage is broken. Mark an **X** in the appropriate box. If you are filing for a legal separation, you must also give the reasons why you believe the marriage is broken on the lines that follow.

Paragraph 9: You must inform the court if there are other actions for divorce, annulment, or legal separation currently pending or ever started before in any other court. Mark an **X** in the box if there has never been a divorce, legal separation, or annulment action filed with regard to this marriage. **If there is an action currently pending, the court must be informed about that action.** If there have been any previous actions filed, list the County and State where it was started, the case number of that action, and when the action was dismissed (at least the year of dismissal).

Paragraph 10: This paragraph informs the court whether you and/or your spouse were previously married and if so, when and how that marriage was terminated. If neither were previously married, mark an **X** in the first box. If you or your spouse were previously married, then you must provide information on prior marriages for you and/or your spouse and indicate the following information:

- To whom you or your spouse were married
- How that marriage terminated (e.g. divorce/annulment/death)
- Date of termination
- Location the judgment was entered.

If either of you were married more than once before, mark an **X** for yes, turn to page seven, and continue listing all marriages. If you were not married more than once, mark an **X** for no, remove and throw away page 7, and go on to paragraph 11.

Paragraph 11: List the street addresses of any real estate you and/or your spouse own. If you own more than two properties, make an **X** in the box and write the additional addresses on a separate page.

Paragraph 12: Mark an **X** in the box that indicates whether you and your spouse have entered into any written agreements regarding child support or legal custody of the children, maintenance of either party, or property division. A copy of the agreement must be attached to the **Petition**.

Paragraph 13: You must advise the court whether you, your spouse, or both are fit to have custody by placing an **X** in the correct box.

Section II.

In Compliance with Wisconsin Statute 822.09

These six paragraphs determine if there were any previous custody proceedings brought concerning your children, and particularly, whether anyone else has previously been awarded custody of any of your children. If so, such custody proceedings must be brought to the attention of the court.

Paragraph 1: Indicate whom the minor children live with and at what address. If several children live at several different addresses please provide this information on a separate sheet of paper and mark an **X** in the box.

Paragraph 2: Indicate whom the children have lived with during the past five years. If the children have lived with a person other than you or your spouse, include the address they lived at. If different children have lived at several different addresses please provide this information on a separate sheet of paper and mark an **X** in the box.

Paragraphs 3 through 6: Carefully read these four paragraphs. If any of these statements are not accurate you must change the words to correct them. Also, please read paragraph 6 carefully. Paragraph 6 requires you to notify the court of any custody proceedings involving the children that you learn of in the future.

Section III.

PETITIONER's Request

The final 2 sections to complete are what you are requesting of the court. **Note:** If you request something in A or B, it does not necessarily mean that you have to make that same request at the time of trial or in final settlement negotiations.

A: Mark the type of action you have brought before the court.

B: Mark all that apply in Section B that you are requesting of the court.

Restraining Order

You should carefully read this section. These provisions become binding on you when you file the action, and become binding on the RESPONDENT once he or she has been served with the **Summons** and **Petition**.

After you have completed the **Petition**, date, sign, make the necessary copies, and staple the **Summons** on top of the **Petition**.